

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**BOBBY BROWN, PRO SE v. STATE OF TENNESSEE**

**Appeal from the Criminal Court for Sumner County**  
**No. 634-2000 Jane Wheatcraft, Judge**

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**No. M2003-02058-CCA-R3-CO - Filed October 15, 2004**

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The defendant, Bobby Brown, appeals the trial court's denial of his motion to award sentence credits. The State has filed a motion requesting that this Court affirm the trial court's denial of relief pursuant to Rule 20, Rules of the Court of Criminal Appeals. The trial court did not have jurisdiction to grant the relief requested and was, therefore, proper in denying the defendant's motion. Accordingly, the State's motion is granted and the judgment of the trial court is affirmed.

**Tenn. R. App. P. 3; Judgment of the Trial Court Affirmed Pursuant to Rule 20, Rules of the Court of Criminal Appeals**

ROBERT W. WEDEMEYER, J., delivered the opinion of the court, in which DAVID H. WELLES, and JERRY L. SMITH, JJ. joined.

Bobby Brown, pro se.

Paul G. Summers, Attorney General & Reporter; Jennifer L. Bledsoe, Assistant Attorney General, for the appellee, State of Tennessee.

**MEMORANDUM OPINION**

The defendant was convicted of aggravated assault and sentenced to six (6) years as a range I offender on December 12, 2000. The defendant was placed on probation. On August 29, 2002, the trial court entered an order revoking the defendant's probation and ordering him to serve the original sentence. The August 29, 2002 order revoking probation also credited jail time to the defendant as follows: from 12-12-00 to 2-02-01 and from 3-26-02 to present. On August 4, 2003, the defendant filed a motion to award sentence credits. The defendant alleged that while he was incarcerated at the Sumner County jail, he was given the status of trustee and was required to work five days per week until he was transferred to the Department of Correction on November 7, 2002. The trial court denied defendant's motion, finding that it no longer had jurisdiction of the case. The

trial court explained that the defendant must address any sentence credit disputes pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101, et seq. Defendant appealed the trial court's order to this court.

The trial court was correct in denying the requested relief. As the trial court noted in its order, once a judgment of conviction has become final and an inmate is in the custody of the Department of Correction, the proper avenue to address sentence reduction credits is through the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101, et seq. State v. Henry, 946 S.W.2d 833, 834 (Tenn. Crim. App. 1997); Carroll v. Raney, 868 S.W.2d 721, 723 (Tenn. Crim. App. 1993). The trial court did not have jurisdiction to entertain the defendant's motion to alter his sentence credits. Moreover, the Rules of Appellate Procedure do not contemplate an appeal as of right from an order denying sentence reduction credits. See Tenn. R. App. P. 3. Accordingly, this appeal must be dismissed.

The State's motion is granted. The judgment of the trial court is affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals.

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ROBERT W. WEDEMEYER, JUDGE